

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-cv-20727-ALTMAN

RYAN BRESLOW, *et al.*,

Plaintiffs,

v.

MARK PHILLIPS, *et al.*,

Defendants.

**[PROPOSED] ORDER GRANTING PLAINTIFFS' EMERGENCY
MOTION TO AMEND TEMPORARY RESTRAINING ORDER
AND FOR ORDER TO SHOW CAUSE
WHY DEFENDANTS SHOULD NOT BE HELD IN CONTEMPT**

Plaintiffs Ryan Breslow (“Breslow”), Alex Fine (“Fine”), and Jon Gordon (“Gordon”) (collectively, “Plaintiffs”) filed an emergency motion to modify the temporary restraining order issued by the Court on February 28, 2023 and for an order to show cause against Defendants Mark Phillips (“Phillips”) and Benjamin Reed (“Reed”) (collectively, “Defendants”) regarding why they should not be held in contempt for violating the Court’s February 28 order.

Having reviewed the papers, declarations, exhibits, and memorandum of law, the Court hereby makes the following findings of fact and conclusions of law:

1. Changed circumstances have arisen in the cryptocurrency markets that pose a significant risk to the value of the DAO endowment. Specifically, the failure of Silicon Valley

Bank on March 10, 2023 has caused the value of DAI and Ethereum, cryptocurrencies in which the DAO endowment is stored, to fluctuate by as much as 10%.

2. The DAO endowment—which is associated with the following cryptocurrency address: 0x143cC0A996De329C1C5723Ee4F15D2a40c1203c6—is at a heightened risk of losing a significant portion of its value if the DAO endowment remains stored in DAI and Ethereum assets.

3. The DAO endowment’s value will be more securely maintained—and thus the status quo preserved—if the DAO endowment is converted to U.S. dollars and held in escrow pending the outcome of this litigation.

4. Defendants appear to have not complied with the Court’s February 28 order by failing to unwind all the transfers covered out of the DAO endowment that occurred in February 2023.

THEREFORE, IT IS ORDERED THAT the Court’s February 28 order is modified to hereby direct Defendants Mark Phillips and Benjamin Reed to convert the DAI and Ethereum assets currently held in the DAO endowment account to U.S. dollars and deposit those proceeds with the clerk in the Court’s registry to hold in escrow until the Court orders their release. Plaintiffs Ryan Breslow, Alex Fine, and Jon Gordon are hereby directed to submit a proposed order within two days of entry of this order detailing the process by which the DAO endowment assets should be converted to U.S. dollars. The Court will then issue a further order regarding the disposition of the DAO endowment account’s assets.

IT IS FURTHER ORDERED THAT Defendants Mark Phillips and Benjamin Reed show cause on or before _____, 2023 in Courtroom _____, in the United States District Court for the Southern District of Florida, the Honorable Altman presiding, why an order

pursuant to the Court's inherent authority should not be entered holding Defendants in contempt for failing to comply with the Court's February 28 order.

IT IS SO ORDERED.

Dated: _____, 2023

United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served by the Court's CM/ECF system on March 13, 2023 on all counsel of record.

/s/ Jamie L. Katz
Jamie L. Katz